

AMENDED IN SENATE MAY 19, 2003
AMENDED IN ASSEMBLY MARCH 19, 2003
AMENDED IN ASSEMBLY MARCH 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 207

Introduced by Assembly Member Maze

(Coauthors: Assembly Members Chavez, Cogdill, Cox, Diaz, Dutton, Goldberg, Harman, Haynes, *La Malfa*, La Suer, Pacheco, Parra, Runner, Samuelian, Spitzer, Strickland, and Wyland)

(Coauthors: Senators Battin~~and~~, *Denham*, Knight, and *Morrow*)

January 28, 2003

An act to amend Section 594.35 of the Penal Code, relating to vandalism.

LEGISLATIVE COUNSEL'S DIGEST

AB 207, as amended, Maze. Vandalism.

Existing law defines certain destructive acts as vandalism when committed with respect to the real or personal property of another, as specified. Existing law also provides that it is a crime, punishable by imprisonment in the state prison or in a county jail, to commit various destructive acts with respect to a cemetery marker, tomb, monument, memorial, or grave.

This bill would also provide that it is a crime, punishable by imprisonment in the state prison or in a county jail, to commit an act of vandalism with respect to a veterans' memorial or monument. Because

this bill would change the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 594.35 of the Penal Code is amended to
2 read:

3 594.35. Every person is guilty of a crime and punishable by
4 imprisonment in the state prison or by imprisonment in a county
5 jail for not exceeding one year, who maliciously does any of the
6 following *acts*:

7 (a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears
8 down, or removes any tomb, monument, memorial, or marker in
9 a cemetery, or any gate, door, fence, wall, post or railing, or any
10 inclosure for the protection of a cemetery or mortuary or any
11 property in a cemetery or mortuary.

12 (b) Destroys, mutilates, effaces, damages, or otherwise injures
13 or removes a Veterans' memorial or monument located any place
14 in the state.

15 (c) Obliterates any grave, vault, niche, or crypt.

16 (d) Destroys, cuts, breaks or injures any mortuary building or
17 any building, statuary, or ornamentation within the limits of a
18 cemetery.

19 (e) Disturbs, obstructs, detains or interferes with any person
20 carrying or accompanying human remains to a cemetery or funeral
21 establishment, or engaged in a funeral service, or an interment.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of



1 the Government Code, or changes the definition of a crime within
2 the meaning of Section 6 of Article XIII B of the California
3 Constitution.

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